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KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			COOLMAN, VAUGHN	
			ART UNIT	PAPER NUMBER
			3618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,933	CHAPUT ET AL.	
	Examiner	Art Unit	
	Vaughn T. Coolman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner notes that the term “bifurcated” is being interpreted reasonably broad. The term “bifurcated” is defined by Merriam-Webster’s Tenth Edition Dictionary as “two-pronged” or “divide[d] into two branches or parts”.

Examiner notes that the term “chassis” is being interpreted reasonably broad. The term “chassis” is defined by Merriam-Webster’s Tenth Edition Dictionary as “the supporting frame of a structure” or “the frame and working parts exclusive of the body or housing”.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18, 39, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "the front chassis half" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the limitation "the bottom surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 43 recites the limitation "said platform bottom surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray (U.S. Patent No. 4,403,784).

[claim 28] Gray discloses a system for mounting wheels to a roller skate including: a skate body (FIG 1, item 10) having a top surface (FIG 1, item 12), a front surface (shown in FIG 1), a rear surface (shown in fig 1), and a pair of side surfaces (shown in FIGS 1, 2); a front axle (FIG 2, item 40) extending through the side surfaces at a front portion (FIG 1, item 16) of the skate body, and a rear axle (Column 3, line 16) extending through the side surfaces at a rear portion (FIG , item 20) of the skate body, the front and rear axles being positioned between the top and bottom surfaces of the skate body (shown in FIG 1) wherein; at least one of the front and rear axles (both) extends through an angled slot (34) in the skate body and at least one of the front and rear axles is resiliently biased to a position between the ends of the at least one slot (shown in FIG 1).

Gray further shows a plurality of wheels (FIG 6, items 62A, 62B) rotatably mounted to the axles; and the skate is inherently configured to turn in a desired direction as a wearer leans in said direction (Column 3, lines 24-28). Examiner notes that as the user leans the chassis to one side, the axles will compress the resilient body (36), which allows the axles to stay parallel to the

ground and move towards each other on the side that the user leaned the chassis towards. This is due to the angling of the slot.

[claim 29] Gray discloses all of the elements of the claimed invention as described above and further shows the at least one slot is adapted to cause the front and rear axles to pivot about respective pivot axes as the skate body is leaned in a desired direction. Examiner notes that the respective pivot axes would be located at or near the sidewalls of the skate chassis. Each axle would have at least two distinct pivot axes depending on the direction the skate is leaned. For example, when the skate chassis is leaned to the left, the pivot axes would be located at the right side of the chassis and vice versa. This is due to the angling of the slot and the initial location of the axles in the slot.

[claim 30] Gray discloses all of the elements of the claimed invention as described above, and further shows the axles (40) being resiliently biased toward a position in which the skate will roll straight ahead (FIGS 1, 2, 4; Column 3, lines 24-28).

[claim 31] Gray discloses all of the elements of the claimed invention as described above and further shows at least one of the axles being resiliently biased (FIG 2) by a resilient block (FIG 2, items 44A, 44B; FIG 7) surrounding at least a central portion of the at least one axle (shown in FIGS 1, 2).

[claim 32] Gray discloses all of the elements of the claimed invention as described above and further shows the resilient block comprising first and second halves (44A, 44B) with angled faces (shown in FIG 7).

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[claim 33] Gray discloses all of the elements of the claimed invention as described above and further shows a pin (FIGS 4, 6; item 60) extending transversely through the axle (40A, 40B) surrounded by the resilient block (44A, 44B).

[claim 34] Gray discloses all of the elements of the claimed invention as described above and further shows in FIGS 3, 4, and 5 the longitudinal axis of the pin (60) being collinear with a pivot axis (70) of the axle (40A, 40B) through which the pin extends.

[claim 35] Gray discloses all of the elements of the claimed invention as described above and further shows the skate being substantially symmetrical as viewed from above in FIGS 2 and 6.

[claim 36] Gray discloses a roller skate comprising:

- a skate chassis (10) including an upper surface (FIG 1, item 12), a lower surface (shown in FIG 1), and a pair of side surfaces (shown in FIGS 1, 2);
- an axle (40) extending through an angled slot (34) in at least one of said side surfaces of said chassis, said slot having a first end and a second end (shown in FIG 1);
- said axle supporting said chassis on both sides of the center of the axle;
- a pair of wheels (62) mounted to opposite ends of the axle; and
- a biasing element (44) adapted to bias the axle toward a position between said ends of said slot.

[claim 37] Gray further shows in FIG 2 the biasing element (44) comprises a block of resilient material (elastomeric) surrounding a portion of the axle.

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Examiner is interpreting the term “block reasonably broad”; Merriam Webster’s Tenth edition Dictionary defines “block” as “a compact usually solid piece of substantial material especially when worked or altered to serve a particular purpose”.

Claims 38, 42, 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al (U.S. Patent No. 6,719,304).

[claim 38] Miller discloses a roller skate (FIG 4, item 10’) including: a platform (FIG 2, item 32) adapted to support a street shoe (FIG 1, item S); a plurality of wheels (FIG 4, items 12’) straddling the platform wherein tops of the wheels extend above the platform (shown in FIG 4); and said plurality of wheels is configured to be steerable by a user; retaining elements (FIG 4, items 28’, 30’, 38’, 40’, 42’, 44’) adapted to secure a street shoe on the platform, at least a portion of the street shoe being located between the wheels (shown in FIG 1).

Examiner is interpreting the term “steerable” reasonably broad. Merriam Webster’s Tenth Edition Dictionary defines the verb “steer” as “to control the course of” or “to set and hold to (a course)”. Examiner contends that a user would steer the plurality of wheels by adjusting the position of his/her feet and legs, even the body of the user might aid in steering the plurality of wheels. It is further noted that applicant has not claimed that the wheels be steered independent of each other or the skate platform.

[claim 42] Miller discloses all of the elements of the claimed invention as described above and further shows the retaining elements comprising guard portions (28’, 30’) configured to prevent a shoe of a wearer from contacting the wheels.

[claim 43] Miller discloses all of the elements of the claimed invention as described above and further shows the wheels (12') having ground-engaging surfaces extending below said platform bottom surface by a distance of less than half a diameter of said wheels (shown in FIGS 3, 4).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 4, 8, 11, 12, 16, 18-20, 22, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al (U.S. Patent No. 6,517,091) in view of Iseman (U.S. Patent No. 3,738,673).

[claim 1] Fisher discloses a roller skate (FIG 1, item 20) including: a bifurcated chassis comprising first and second chassis halves, the first chassis half (FIG 1, items 26, 30) having an upper surface (shown in FIG 1) adapted to support a wearer's foot; a pair of foot-retaining wings (shown in FIG 1) mounted on either side of the chassis; front (FIG 4, item 54) and rear (FIG 5A, item 90) axles mounted between the first and second chassis halves and configured to support wheels (FIGS 3, items 34, 36, 38, 40).

Fisher discloses all of the elements of the claimed invention as described above except for at least one of the axles extending through at least one angled slot in at least one of the chassis halves. However, Iseman teaches front and rear axles (FIG 1, items 25) extending through angled slots (FIG 3, items 21, 22) in the lower half of a skate chassis. It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to modify the skate chassis shown by Fisher, with the angled slots as taught by Iseman, in order to, according to Iseman, avoid wheel slip caused by improper front or rear wheel tracking by allowing the axles to pivot (as shown in FIGS 17, 18).

[claim 3] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above and Iseman further discloses his skate chassis as comprising front and rear biasing elements (FIG 2, items 50) configured to resiliently bias the front axle and rear axles respectively towards a position between the ends of the slots (Column 7, lines 12-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the skate chassis shown by Fisher as modified by Iseman, with the biasing elements as further taught by Iseman, since such a modification provides the advantage, according to Iseman, of automatically returning the axles to a position perpendicular to the longitudinal axis of the skate chassis when not in the act of turning.

[claim 4] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above and Iseman also shows the biasing elements as comprising torsion blocks (FIG 2, items 50) made of a resilient material (Column 7, line 12) surrounding at least central portions (FIG 5, items 44) of the front and rear axles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the skate chassis with biasing elements shown by Fisher as modified by Iseman, with the torsion blocks surrounding the axles as taught by Iseman for the reasons described above.

[claim 8] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the slots being angled at about 30 degrees relative to a plane

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intersecting the front and rear axles. However, Iseman shows the slots angled relative to the plane intersecting the axles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose a value of 30 degrees relative to the plane intersecting the axles for the angle of the slots, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art.

[claim 11] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above and Iseman further teaches a skate including a pin (FIG 5, item 33) extending through a transverse hole (FIG 3, item 27) located substantially at a linear center of each axle (shown in FIG 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the skate shown by Fisher as modified by Iseman, with the axle pin as further taught by Iseman, since such a modification would provide the advantage of retaining the axle wheels in a position equidistant from the centerline of the chassis.

[claim 12] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above and Iseman further teaches the pin (FIG 5, item 33) as comprising a longitudinal axis which is collinear with a pivot axis of the axle (Column 5, lines 9-11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the skate shown by Fisher as modified by Iseman, with the axle pivot configuration as further taught by Iseman, since such a modification, according to Iseman, would provide the advantage of the axles pivoting solely in response to plate lean.

[claim 16] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the torsion blocks having a durometer of at least 35. However,

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Iseman discloses the torsion blocks as resilient. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose a durometer value of at least 35, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art.

[claim 18] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the upper surface of the front chassis half being less than about 5/8 inch above the front axle. However, Fisher does show the foot platform being above the front axle. Furthermore, Fisher appears to show in FIGS 1, 3, and 4, that the distance is less than 5/8 inch. The appearance of distance is based in relation to a typical child's foot. It would have been obvious to one having ordinary skill in the art at the time the invention was made to position the foot platform of Fisher's skate less than about 5/8 inch above the front axle, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art.

[claim 19] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the upper surface of the skate being less than about 3/4 inch above the rear axle. However, Fisher does show the upper surface of the skate being above the rear axle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to position the upper surface of Fisher's skate less than about 3/4 inch above the rear axle, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art.

[claim 20] Fisher discloses all of the elements of the claimed invention as described above and in FIGS 1 and 2, he further shows the wheels extending above the upper surface of the first chassis half.

[claim 22] Fisher discloses all of the elements of the claimed invention as described above except for the chassis being molded plastic. However, Iseman teaches a skate chassis being molded plastic (Column 4, lines 28-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate chassis shown by Fisher, with the plastic material as taught by Iseman, since such a modification would provide, according to Iseman, a reduction in machining and assembling operations.

[claim 24] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above and Iseman further teaches a skate chassis including openings (FIG 5, item 48) for receiving the torsion blocks. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the skate chassis shown by Fisher as modified by Iseman, with the torsion block openings as further taught by Iseman, since such a modification would provide the advantage of an integral structure for retaining the torsion blocks in a desired position relative to the chassis.

[claim 26] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the foot-retaining wings being made of EVA. However, Fisher discloses a method of forming the rear portion (FIG 1, item 30) which includes the wings, as being molding (Column 2, lines 60-61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to mold wings from EVA, since it has been held to

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be within the general skill of a worker in the art to select a material on the basis of its suitability for the intended use.

[claim 27] Fisher discloses all of the elements of the claimed invention as described above and further describes the wings as comprising a plurality of quick release straps (Column 2, lines 54-63).

Claims 5-7, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Iseman and further in view of Crone (U.S. Patent No. 2,920,899).

[claim 5] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the skate further comprising at least one shock absorbing block sandwiched between one of the torsion blocks and the first chassis half. However, Crone teaches a shock absorbing block (FIG 5, item 28) being sandwiched between a torsion block (FIG 5, item 26) and the chassis (FIG 5, item 11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate shown by Fisher as modified by Iseman, with the shock absorbing block configuration as taught by Crone, since such a modification would provide the advantage of a multi-functional steering and suspension system in a compact configuration.

[claim 6] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the lower surface of the chassis including apertures for receiving front and rear brake pads. However, Crone teaches a skate having a lower surface of the chassis (FIG 5, items 10, 11, 12) comprising apertures (FIG 5, item 40) adapted to (Column 4, lines 69-75) receive front and rear brake pads (FIG 5, items 44). It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to modify the roller skate chassis shown by Fisher, with the brake receiving apertures as taught by Crone, since such a modification would provide means for stopping the user in the event of an emergency.

[claim 7] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the second chassis half having a lower surface adapted to receive a wear pad. However, Crone teaches a skate including a chassis (FIG 5, items 10, 11, 12) having a lower surface adapted to (Column 4, lines 69-75) receive a wear pad (FIG 5, item 44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate chassis shown by Fisher, with the wear pad receiving aperture as taught by Crone, since such a modification would provide the advantage of, according to Crone, attaching a wear pad that could serve as a spinning means.

[claim 14] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the torsion blocks being sandwiched between the first and second chassis halves. However, Crone teaches torsion blocks (FIG 1, item 26) being sandwiched between the first and second chassis halves (FIG 1, items 10, 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate shown by Fisher as modified by Iseman, with the sandwich configuration as taught by Crone, since such a modification would provide means for dissipating energy transferred from the wheels to the axle before reaching the user's foot by deforming the torsion block in vertical and circumferential directions.

[claim 15] Fisher in view of Iseman further in view of Crone discloses all of the elements of the claimed invention as described above except for the shock absorber having a durometer of

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at least 35. However, Crone discloses the shock absorber as resilient (Column 2, line 66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose a durometer value of at least 35, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Iseman, and further in view of Carrion (French Patent No. 1,225,789).

[claim 9] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the torsion blocks comprising first and second halves adapted to be assembled to form a single torsion block, with each of the halves having a substantially planar face. However, Carrion teaches the use of torsion blocks comprising first (FIGS 1, 2; item 26) and second (FIGS 1, 2; item 22) halves adapted to be assembled to form a single torsion block. Carrion also shows each half to have a substantially planar face (FIG 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate shown by Fisher as modified by Iseman, with the torsion block assembly configuration as taught by Carrion, since such a modification would provide the advantage of more manufacturing options, such as riveting, due to being able to disassemble the roller skate body without removing the wheels from the axles.

[claim 10] Fisher in view of Iseman and Carrion discloses all of the elements of the claimed invention as described above, and Iseman further teaches a pin extending through a transverse hole extending through each axle. In addition, Carrion teaches the structural

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equivalent of a pin (FIG 2, items 29, 30) being positioned in the torsion block such that the pin is parallel to a substantially planar face, shown in FIGS 1 and 2, of each torsion block half. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate shown by Fisher as modified by Iseman and Carrion, with the axle pin configuration as further taught by Iseman and Carrion, since such a modification would provide the advantage of retaining the axle wheels in a position equidistant from the linear center of the chassis. In addition, the modification provides for faster assembly than if the pin were askew or perpendicular to the planar face wherein the pin would have to be inserted into a hole in each of the torsion block halves, rather than placed into, or covered by, a depression.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Iseman and further in view of Dekome (U.S. Patent No. 1,933,972).

[claim 13] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the torsion blocks comprising prismatic bodies. A prism shape is defined by Merriam-Webster as a polyhedron with two polygonal faces lying in parallel planes and with the other faces parallelograms. Dekome teaches the use of prismatic bodies of a substantially resilient material utilized for torsion blocks on roller skates as shown in FIGS 1 and 5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the torsion blocks shown by Fisher as modified by Iseman, with the prismatic body shape as taught by Dekome, since such a modification would provide the advantage of improved assembly geometry with regards to insertion between the chassis halves disclosed by Fisher.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Iseman and further in view of Miller et al (U.S. Patent No. 6,719,304).

[claim 17] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the skate being configured to support wheels that are about 3 inches in diameter. However, Miller teaches large diameter wheels the same as those used on two wheeled scooters such as RAZOR. It is well known in the art that RAZOR scooter wheels are about 3 inches in diameter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate shown by Fisher as modified by Iseman with wheels that are about 3 inches in diameter, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Iseman and further in view of Tucky (5,398,970).

[claim 21] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for the rear wheels not being aligned with the front wheels. However, Tucky teaches the arrangement of front and rear wheels for roller skates wherein rear wheels are not aligned with front wheels (shown in FIG 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate shown by Fisher, with the wheel configuration as taught by Tucky, since such a modification would provide the advantage of narrowing the rear portion of the roller skate to better fit the contour of

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a user's heel. Tucky is considered analogous art because it teaches a chassis having axles passed through slots in at least one chassis half. The chassis taught by Tucky would work equally well in the form a skate configured to support a wearer's shoe.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Iseman and further in view of Ware (U.S. Patent No. 4,058,323).

[claim 23] Fisher discloses all of the elements of the claimed invention as described above except for the skate chassis comprising a plurality of ribs on inner surfaces of each chassis half. However, Ware teaches the use of a plurality of ribs on inner surfaces of a roller skate chassis, as shown in FIGS 2, 3, 4, and 5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate chassis shown by Fisher as modified by Iseman, with the plurality of chassis ribs as taught by Ware, since such a modification would, according to Ware, provide desirable strength and weight characteristics while being inexpensive to manufacture as well (Column 1, lines 63-65; Column 2, lines 4-7, 18-19).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Iseman and further in view of Goosmann (U.S. Patent No. 2,033,334).

[claim 25] Fisher in view of Iseman discloses all of the elements of the claimed invention as described above except for a toe portion of the first chassis half being curved upward. However, Goosmann teaches the use of an upwardly curving toe portion for a roller skate chassis (FIGS 1, 3). It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to modify the roller skate shown by Fisher as modified by Iseman, with the upwardly curving toe portion as taught by Goosmann, since such a modification would, according to Goosmann, have the advantage of being configured in the form of a shoe sole of a user (Column 3, lines 26-27).

Claims 39, 40, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Hayes (U.S. Patent No. 6,006,450).

[claim 39] Miller discloses all of the elements of the claimed invention as described above except for a grind pad removably mounted to the bottom surface of the platform. However Hayes teaches the use of a removable grind pad (FIGS 1, 2; item 31) for shoes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate shown by Miller, with the removable grind pad as taught by Hayes, since such a modification would provide the advantages, according to Hayes, of having the ability to participate in grinding activities common to skateboarding and roller skating such as sliding along a hand rail or park bench back (Column 1, lines 23-35). Hayes also teaches the advantage of changing a worn-out grind plate by removing the plate and replacing it with a new grind plate (Column 6, lines 20-25).

[claim 40] Miller in view of Hayes discloses all of the elements of the claimed invention as described above and Hayes further shows the grind pad having a concave bottom surface (FIG 2, item 101). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate shown by Miller as modified by Hayes, with the concave grind plate bottom surface as taught by Hayes, since the concave, or downwardly open

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semi-cylindrical trough, shape is well known in the art to provide the advantage of stability when centered over a rail during a grinding maneuver (Column 1, lines 45-50).

[claim 41] Miller in view of Hayes discloses all of the elements of the claimed invention as described above and Hayes further shows the grind pad bottom surface being concave in two perpendicular directions (FIG 2, items 101 & 103). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the roller skate shown by Miller as modified by Hayes, with the a grind plate bottom surface being concave in two perpendicular directions as taught by Hayes, since such a modification would allow the user to grind in four directions; two lateral, forward, and rearward.

Response to Arguments

Applicant's arguments filed 03/14/2006 have been fully considered but they are not persuasive.

In response to the arguments regarding claim 1, examiner disagrees with the applicant's statement that Fisher teaches a slot without an angle relative to vertical. Fisher teaches an offset axle that is constrained from rotation about a horizontal axis coincident with the axle. The slots are taught by Fisher are semi-circular, one in each half of the chassis. However, the argument is moot due to examiner's new grounds of rejection of amended claim 1 stating that Fisher does not teach angled slots.

In response to applicant's argument that the references fail to show certain features of applicant's invention (page 9, paragraph 5), it is noted that the features upon which applicant relies (i.e., a downward change of positions of the axles in the slot biasing wheels on one side of the skate farther apart) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the skate of Fisher relies on the vertical motion and requires vertical slots of the axle to allow the wearer of the skate to push off from a non-rolling end, perhaps applicant misread or overlooked portions of the disclosure. As stated above, Fisher teaches an offset axle that is constrained from rotation about a horizontal axis coincident with the axle, there being no vertical displacement of the axle, just the wheels. The combination with Iseman would allow the skate to be manufactured with fewer parts in the assembly, reducing cost. The adjustable resistance mechanism of Fisher would still be operable in exactly the same way as disclosed.

In response to the argument that without vertical slots the Fisher skate would be unable to lower its front portion to contact the ground, examiner notes that an angled slot allows vertical motion as well as horizontal motion. Furthermore, combining the angled slots of Iseman would not only reduce the part count and assembly costs of the Fisher skate, it would add the multiple steering advantages disclosed by Iseman, while still allowing a user to push down in a vertical fashion and displace the axle with respect to the skate chassis for "push off" purposes.

In response to applicant's argument that the references fail to show certain features of applicant's invention (page 12, paragraph 3), it is noted that the features upon which applicant relies (i.e., the context of wheel mounted on axles which enter the *sidewalls* of the roller skate chassis) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the statement that the *entire* vertical assembly disclosed by Crone is not combinable with Fisher due to space limitations, the examiner has not suggested that the entire assembly of Crone be incorporated into the Fisher skate. Furthermore, to overcome space limitations, one of ordinary skill in the art would simply execute a change in size or thickness of the torsion blocks and/or shock absorbing blocks, and a mere change in size of a component has been held to be within the ordinary skill of a worker in the art. Crone simply teaches the addition of rubber shock absorbing blocks in a sandwiched configuration to torsion blocks in a roller skate. Crone also describes the benefits of the shock absorbing blocks in regards to safety, including non-binding of components and shock absorption (flexible coupling).

In response to the applicant's argument that the member to which the aperture illustrated in Crone is attached does not exist in the skate of Fisher, the member of Crone is item 12, the bottom half of a "bifurcated" chassis through which the axle 13a passes. Fisher shows this member as item 32 in FIGS 5A-B.

In response to the assumption by the applicant that the Carrion reference “relies on suppression of vertical movement by elevating the chassis of the roller skate”, examiner wonders how elevating portions of the chassis suppresses vertical movement? Similarly, the examiner wonders what scientific or physical principle confirms that additional vertical distance allows the torsion blocks to cushion the roller skate? Furthermore, Carrion does disclose the use of torsion blocks, albeit not prismatic, in an assembly wherein the axles pass through a sidewall of the roller skate chassis. However, the rejected claims (9 and 10) do not recite the limitations of “prismatic” bodies or “a sidewall”.

In response to applicant’s argument against the combination of Fisher, Iseman, and Dekome rejecting claim 13 (page 15, first paragraph); the argument assumes that the chassis includes only one undersurface. Therefore, in response to applicant's argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., axles which passing through a *sidewall* of the roller skate chassis) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, item 19 shown by Dekome in FIGS 1-3 and 5 are part of the lower half of the “bifurcated” chassis (including items 19 as part of the upper half). Furthermore, to overcome space limitations argued by the applicant (page 15, second paragraph), one of ordinary skill in the art would simply execute a change in

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size or thickness of the torsion blocks and/or shock absorbing blocks, and a mere change in size of a component has been held to be within the ordinary skill of a worker in the art.

In response to the applicant's arguments regarding the rejection of claims 28-35 by Gray, the above description of the operation of the chassis and axle arrangement of Gray in regards to claims 28 and 29 addresses the applicant's arguments. Furthermore, the argument that the axles of Gray are not "biased towards a position *between the endpoints* of the angled slots" is not correct. The axles are located inside the elastomeric members 44A-B which resiliently bias the axle towards the position shown in FIG 2, which is obviously between the endpoints of the angled slots. Gray also states that the configuration permits deflection of each end portion of the axle in the direction of the axis of suspension (item 26; column 4, lines 1-2).

In response to applicant's argument regarding claim 38, that Miller does not teach a skate wherein wheels extend, at least in part, above a platform adapted to support a street shoe and the wheels being configured to be steerable by a user, examiner has treated the argument in the above rejection of claim 38.

Applicant's arguments with respect to claims 17-21, 23, 25-27, and 36-37 have been considered but are moot in view of the new ground(s) of rejection. Furthermore, the examiner appears to have mistakenly neglected to incorporate the base reference of Fisher in the original rejection of claim 17.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Footo (U.S. Patent No. 330,007) teaches elements of the claimed invention including axles extending through angled slots.

Welker (U.S. Patent No. 4,379,564) and Barbato (U.S. Patent No. 2,150,814) teach a roller skate wherein the front wheels are not aligned with the rear wheels (see FIG 3).

Collier (U.S. Patent No. 2,535,566) teaches a roller skate wherein the wheels extend above the top of a platform adapted to support a street shoe.

Hong (U.S. Patent No. 6,786,493 B2) teaches a roller skate including features of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

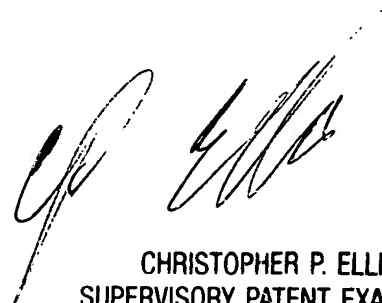
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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05/29/06

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